

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
COMPLIANCE RECORD FOR CATEGORICAL EXCLUSIONS (CX)
U.S. Department of Interior
Bureau of Land Management**

PART I. – PROPOSED ACTION

BLM Office: DOI-BLM-AZ-G020

NEPA No.: 2014-0029-CX

Case File No.: AZA-036158

Proposed Action Title/Type: Special Recreation Permit (SRP) Renewal, Arizona Rentals and More LLC

Applicant: Arizona Rentals and More LLC (J. Brice)

Location of Proposed Action: Middle Gila Canyons Travel Management Area (TMA), northeast of the Town of Florence, Generally situated in T3S R11E, T3S R12E, T3S R13E, T4S R12E G&SRPM, Pinal County, Arizona.

Description of Proposed Action: Approve renewal of SRP to authorize commercial recreational use of public lands administered by the BLM in connection with all terrain vehicle (ATV/UTV) sightseeing tours and rentals, along designated routes, for a term up to 5 years (2015-2019), as described in the approved Operating Plan and shown on Map 1, and subject to the SRP Terms, Conditions and Stipulations attached. The SRP is subject to annual validation of permit requirements, including acceptable performance, verification of operating plan, valid liability insurance coverage, and payment of permit fees.

Part II. – PLAN CONFORMANCE REVIEW

This proposed action is subject to the following land use plan(s): 1) Phoenix Resource Management Plan Phoenix (Phoenix RMP/EIS). 2) Middle Gila Canyons Travel and Transportation Management Plan (MGC TTMP).

Decisions and page nos.: (1) Land Use Authorizations: Land use authorizations (rights-of-way, leases, permits, easements) would continue to be issued on a case-by-case basis" (Proposed Phoenix RMP/FEIS, Page 14). (2) Special Recreation Permits: Page 4-5, MGC TTMP, EA # AZ-420-2007-014

Date plan approved/amended: (1) RMP Record of Decision September 1989. (2) MGC TTMP Decision Record November 10, 2010.

This proposed action has been reviewed for conformance with these plans (*43 CFR 1610.5-3, BLM Manual 1601.04.C.2*).

PART III. – NEPA COMPLIANCE DETERMINATION REVIEW

A. The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 [H. Recreation Management: 1. Issuance of Special Recreation Permits for day use or overnight use up to 14 consecutive nights; that impacts no more than 3 staging area acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan. This CX cannot be used for commercial boating permits along Wild and Scenic Rivers. This CX cannot be used for the establishment or issuance of Special Recreation Permits for “Special Area” management (43 CFR 2932.5)];

And

B. Extraordinary Circumstances Review: In accordance with **43 CFR 46.215**, any action that is normally categorically excluded must be subjected to sufficient environmental review to determine if it meets any of the 12 Extraordinary Circumstances described. If any circumstance applies to the action or project, and existing NEPA documentation does not adequately address it, then further NEPA analysis is required.

IMPORTANT: Appropriate staff should review the circumstances listed in Part IV, comment and initial for concurrence. Rationale supporting the concurrence should be included in the appropriate block.

Part IV. – EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION

PREPARERS:

DATE:

Francisco Mendoza, Outdoor Recreation Planner	9/29/2014
Darrell Tersey, Natural Resource Specialist	9/29/2014
Amy Sobiech, Archaeologist	9/30/2014
Kristen Duarte, Range Conservatin Specialist	9/29/2014
Linda Dunlavey, Realty Specialist	9/29/2014
Claire Crow, Assistant Field Manager	9/29/2014

/s/ Amy Markstein, NEPA Coordinator
PLANNING & ENVIRONMENTAL SPECIALIST

10/22/2014
DATE

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215(a)-(l)) apply. The project would:

(a) Have significant impacts on public health or safety.

Yes	No	Rationale: The proposed ATV tour operation would not have significant impacts on public health and safety. Information on natural hazards in the area, primitive road conditions and abandoned and inactive mine lands, is disclosed in permit application materials. Permit requirements include liability insurance.
	X	
Preparer's Initials <u>FM</u>		

<p>(b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.</p>		
Yes	No	<p>Rationale: The proposed ATV tour operation would not have significant impacts on nay natural resources or unique features listed. Vehicles equipment would be traveling on the designated routes outside the existing White Canyon Wilderness boundary.</p> <p style="text-align: right;">Preparer's Initials <u>AS</u></p>
<p>(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].</p>		
Yes	No	<p>Rationale: The proposed ATV tour operation would not have highly controversial effects or involve unresolved resource use conflicts. The routes and parking turnouts involved in the operation are are existing, and designated to accommodate public motor vehicle travel and use.</p> <p style="text-align: right;">Preparer's Initials <u>FM</u></p>
<p>(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.</p>		
Yes	No	<p>Rationale: The proposed ATV tour operation would not involve highly uncertain, nor potentially significant effects, and does not involve unique or unknown environmental risks.</p> <p style="text-align: right;">Preparer's Initials <u>FM</u></p>
<p>(e) Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.</p>		
Yes	No	<p>Rationale: The proposed ATV tour operation would not have potentially significant environmental effects, therefore it does not establish a precedent for future actions with potentially significant effects. Issuance of SRPs is on a case by case basis in accordance with applicable publi land regulations, and subject to site specific reviews.</p> <p style="text-align: right;">Preparer's Initials <u>FM</u></p>

(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes	No X	<p>Rationale: The proposed ATV tour operation would add to the ongoing public use in the area for similar temporary use for recreational purposes, including vehicle traffic on designated routes (Cottonwood Canyon Road, Box Canyon Road, Battle Axe and Rincon roads). The tour routes that would be used are designated accommodate public travel and use, including this type of use, and due to the type of use and low use levels of use related to the tour operation, would not have cumulatively significant effects.</p> <p style="text-align: right;">Preparer's Initials <u>FM</u></p>
(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.		
Yes	No X	<p>Rationale: The proposed ATV tour operation would not have significant impacts on properties listed, or eligible for listing in the NRHP. The tours will stay on designated routes and existing disturbed ground, and would not cause new surface disturbance, and permit stipulations protect cultural resources. Historic properties are found along the tour routes, but the use will not have impacts on those properties.</p> <p style="text-align: right;">Preparer's Initials <u>AS</u></p>
(h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		
Yes	No X	<p>Rationale: The proposed ATV tour operation would not have significant impacts on species listed, or proposed for listing, under the ESA, nor have a significant impact on Critical Habitat for those species. See Biological Effects Determination, and the April 10, 2010 USFWS Biological Opinion on the Middle Gila Canyons TTMP.</p> <p style="text-align: right;">Preparer's Initials <u>DT/F</u> <u>M</u></p>

(i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
Yes	No X	Rationale: The proposed action is authorized pursuant 43CFR2930, and is subject to all applicable federal, state, local and tribal laws and requirements. Violations of permit stipulations are subject to penalties. <div style="text-align: right;">Preparer's Initials <u>FM</u></div>
(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes	No X	Rationale: The proposed ATV tour operation would not have a disproportionately high or adverse effect on low income or minority populations; the proposed action is in a rural and unpopulated natural resource land area. <div style="text-align: right;">Preparer's Initials <u>FM</u></div>
(k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		
Yes	No X	Rationale: The proposed action would not limit access to ceremonial or sacred sites, or significantly affect the integrity of those types of sites. No sites of this type have been identified in archaeological surveys for the area (Middle Gila Roads Inventory 2008: Cultural Resources Inventory of 46 Miles of Existing Roads on BLM Land East Of Florence, Pinal County, Arizona; EnviroSystems Management, Inc.) <div style="text-align: right;">Preparer's Initials <u>FM</u></div>
(l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		
Yes	No X	Rationale: The proposed ATV tour operation would not contribute to the introduction and spread of noxious weeds or non-native invasive species. Vehicles used in the operation will be required by permit stipulation to be kept clean and free of soil and plant debris that may contain noxious or invasive weed seed. <div style="text-align: right;">Preparer's Initials <u>DT</u></div>

PART V. –COMPLIANCE REVIEW CONCLUSION

I have reviewed this plan conformance and NEPA compliance record, and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required.

MITIGATION MEASURES/OTHER REMARKS: None. Potential impacts are avoided by the operating plan, and the permit terms, conditions and stipulations, which are part of the proposed action.

/s/ Viola Hillman, Field Manager

10/22/2014

APPROVING OFFICIAL: _____ DATE: _____

TITLE: _____

Note: The signed conclusion on this compliance record is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. A separate decision to implement the action should be prepared in accordance with program specific guidance.